

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Electronics Partners Corporation
1616 Perrino Place
Los Angeles, CA 90023, and

Mr. James Mejia

ID No. CAL 000 268 784

Respondents.

Docket HWCA 2004 0678

ENFORCEMENT ORDER

Health and Safety Code
Section 25187

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Electronics Partners Corporation and Mr. James Mejia (Respondents).

1.2. Site. Respondents generate, handle, treat and store Universal Waste Electronic Devices (UWEDs) and Cathode Ray Tubes (CRT) material, which are hazardous wastes, at the following site: 1616 Perrino Place, Los, Angeles, California 90023 (Site).

1.3. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

DETERMINATION OF VIOLATIONS

2. The Department has determined that:

1 2.1. The Respondents violated California Code of Regulations, title 22, section
2 66273.33, subsection (d)(2)(A), in that on or about July 28, 2004, the Respondents
3 failed to submit to the Department, by certified mail with return receipt requested, a
4 notification to handle Universal Waste Electronic Devices (UWEDs).

5 2.2. The Respondents violated California Code of Regulations, title 22, section
6 66273.33, subsection (d)(3)(F)5., in that on or about July 28, 2004, the Respondents
7 failed to ensure that all materials produced as a result of the treatment process of
8 UWEDs are properly classified and managed.

9 2.3. The Respondents violated California Code of Regulations, title 22, section
10 66273.33, subsection (d)(3)(F)7.a., in that on or about July 28, 2004, the Respondents
11 failed to prepare and submit to the Department an estimate of the cost of facility closure,
12 no later than 30 days prior to initially recycling or treating any UWEDs.

13 2.4. The Respondents violated California Code of Regulations, title 22, section
14 66273.33, subsection (d)(3)(F)7.b., in that on or about July 28, 2004, the Respondents
15 failed to prepare and submit to the Department documentation demonstrating financial
16 assurance for closure, no later than 30 days prior to initially recycling or treating any
17 UWEDs.

18 2.5. The Respondents violated California Code of Regulations, title 22, section
19 66273.33, subsection (d)(3)(F)7.c., in that on or about July 28, 2004, the Respondents
20 failed to prepare and submit to the Department documentation demonstrating financial
21 responsibility for liability, no later than 30 days prior to initially recycling or treating any
22 UWEDs.

23 SCHEDULE FOR COMPLIANCE

24 3.1. Based on the foregoing Determination of Violations, IT IS HEREBY
25 ORDERED THAT:

1 3.1.1. The Respondents have corrected the violations cited above. The
2 Respondents shall operate hereafter in a manner that shall prevent recurrences of the
3 violations cited herein.

4 3.2. Submittals. All submittals from Respondents pursuant to this Order shall be
5 sent to:

6 Robert Kou, Unit Chief
7 Statewide Compliance Division
8 Department of Toxic Substances Control
9 1011 N. Grandview Avenue
10 Glendale, California 91201

11 3.3. Communications. All approvals and decisions of the Department made
12 regarding submittals and notifications will be communicated to Respondents in writing
13 by the Branch Chief, Department of Toxic Substances Control, or his/her designee. No
14 informal advice, guidance, suggestions, or comments by the Department regarding
15 reports, plans, specifications, schedules, or any other writings by Respondents shall be
16 construed to relieve Respondents of the obligation to obtain such formal approvals as
17 may be required.

18 3.4. Department Review and Approval. If the Department determines that any
19 report, plan, schedule, or other document submitted for approval pursuant to this Order
20 fails to comply with the Order or fails to protect public health or safety or the
21 environment, the Department may:

22 a. Modify the document as deemed necessary and approve the document
23 as modified, or

24 b. Return the document to Respondents with recommended changes and
25 a date by which Respondents must submit to the Department a revised document
incorporating the recommended changes.

1 3.5. Compliance with Applicable Laws: Respondents shall carry out this Order
2 in compliance with all local, State, and federal requirements, including but not limited to
3 requirements to obtain permits and to assure worker safety.

4 3.6. Endangerment during Implementation: In the event that the Department
5 determines that any circumstances or activity (whether or not pursued in compliance
6 with this Order) are creating an imminent or substantial endangerment to the health or
7 welfare of people on the site or in the surrounding area or to the environment, the
8 Department may order Respondents to stop further implementation of this Order for
9 such period of time as needed to abate the endangerment. Any deadline in this Order
10 directly affected by a Stop Work Order under this section shall be extended for the term
11 of the Stop Work Order.

12 3.7. Liability: Nothing in this Order shall constitute or be construed as a
13 satisfaction or release from liability for any conditions or claims arising as a result of
14 past, current, or future operations of Respondents. Notwithstanding compliance with
15 the terms of this Order, Respondents may be required to take further actions as are
16 necessary to protect public health or welfare or the environment.

17 3.8. Site Access: Access to the site shall be provided at all reasonable times to
18 employees, contractors, and consultants of the Department, and any agency having
19 jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or
20 inspection that any agency may otherwise have by operation of any law. The
21 Department and its authorized representatives shall have the authority to enter and
22 move freely about all property at the Site at all reasonable times for purposes including
23 but not limited to: inspecting records, operating logs, and contracts relating to the Site;
24 reviewing the progress of Respondents in carrying out the terms of this Order; and
25 conducting such tests as the Department may deem necessary. Respondents shall
permit such persons to inspect and copy all records, documents, and other writings,

1 including all sampling and monitoring data, in any way pertaining to work undertaken
2 pursuant to this Order.

3 3.9. Data and Document Availability. Respondents shall permit the Department
4 and its authorized representatives to inspect and copy all sampling, testing, monitoring,
5 and other data generated by Respondents or on Respondents' behalf in any way
6 pertaining to work undertaken pursuant to this Order. Respondents shall allow the
7 Department and its authorized representatives to take duplicates of any samples
8 collected by Respondents pursuant to this Order. Respondents shall maintain a central
9 depository of the data, reports, and other documents prepared pursuant to this Order.
10 All such data, reports, and other documents shall be preserved by Respondents for a
11 minimum of six years after the conclusion of all activities under this Order. If the
12 Department requests that some or all of these documents be preserved for a longer
13 period of time, Respondents shall either, comply with that request, deliver the
14 documents to the Department, or permit the Department to copy the documents prior to
15 destruction. Respondents shall notify the Department in writing at least six months prior
16 to destroying any documents prepared pursuant to this Order.

17 3.10. Government Liabilities: The State of California shall not be liable for
18 injuries or damages to persons or property resulting from acts or omissions by
19 Respondents or related parties in carrying out activities pursuant to this Order, nor shall
20 the State of California be held as a party to any contract entered into by Respondents or
21 their agents in carrying out activities pursuant to the Order.

22 3.11. Incorporation of Plans and Reports. All plans, schedules, and reports that
23 require Department approval and are submitted by Respondents pursuant to this Order
24 are incorporated in this Order upon approval by the Department.

25 3.12. Extension Request: If Respondents is unable to perform any activity or
submit any document within the time required under this Order, the Respondents may,

1 prior to expiration of the time, request an extension of time in writing. The extension
2 request shall include a justification for the delay.

3 3.13. Extension Approvals: If the Department determines that good cause exists
4 for an extension, it will grant the request and specify in writing a new compliance
5 schedule.

6 OTHER PROVISIONS

7 4.1. Additional Enforcement Actions: By issuance of this Order, the Department
8 does not waive the right to take further enforcement actions.

9 4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order
10 may also subject Respondents to costs, penalties, and/or punitive damages for any
11 costs incurred by the Department or other government agencies as a result of such
12 failure, as provided by Health and Safety Code section 25188 and other applicable
provisions of law.

13 4.3. Parties Bound: This Order shall apply to and be binding upon Respondents,
14 and their officers, directors, agents, employees, contractors, consultants, receivers,
15 trustees, successors, and assignees, including but not limited to individuals, partners,
16 and subsidiary and parent corporations.

17 4.4. Time Periods. "Days" for purposes of this Order means calendar days.

18 PENALTY

19 5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department
20 sets the amount of Respondents' penalty at \$70,340. Payment is due within 30 days
21 from the effective date of the Order. Respondents' check shall be made payable to the
22 Department of Toxic Substances Control, and shall identify the Respondents and the
23 Docket Number, as shown in the heading of this case.

1 Respondents shall deliver the penalty payment to:

2 Department of Toxic Substances Control
3 Accounting Office
4 1001 I Street, 21st floor
5 P. O. Box 806
6 Sacramento, California 95812-0806

7 A photocopy of the check shall be sent to:

8 Roberto Kou, Unit Chief
9 Statewide Compliance Division
10 Department of Toxic Substances Control
11 1011 N. Grandview Avenue
12 Glendale, California 91201

13 Debra Schwartz, Staff Counsel
14 Office of Legal Counsel and Investigations
15 Department of Toxic Substances Control
16 1011 N. Grandview Avenue
17 Glendale, California 91201

18 RIGHT TO A HEARING

19 6. Respondents may request a hearing to challenge the Order. Appeal
20 procedures are described in the attached Statement to Respondent.

21 EFFECTIVE DATE

22 7. This Order is final and effective twenty days from the date of mailing, which is
23 the date of the cover letter transmitting the Order to Respondents, unless Respondents
24 request a hearing within the twenty-day period.

25 Date of Issuance: November 3, 2005

Original signed Florence Gharibian
Florence Gharibian, Chief
Glendale Branch
Statewide Compliance Division
Department of Toxic Substances Control